*Previous references.*
Ch 5-87

190
( Courts. )

File No. 9 of 1890
Serial Nos. 1 – 3

*Later references.*
Ch 10 of 90

# GENERAL AND REVENUE SECRETARIAT.

*Serial Nos.* 1 – 3

**~~Part~~ B. for** July 1890.

SUBJECT.

Conferring upon the Chief Court the original and appellate jurisdictions of a District Court and Court of Sessions in the Nandydrug Division

Sl. 1. To the Chief Judge of Mysore
Telegram Dt 10-7-90.
Wires that proposed notification is deemed necessary under sections 12 and 14 of the Mysore Ch Court Regulation and that Sec. 13 may be dd

2. From the Ch. Judge
No. 2897/68 Dt 11-7-90
G. R. S. 58 Submits opinion as to the notification to be issued conferring upon the Ch Court the ordinary original Civil & Criminal jurisdiction of a District and Sessions Court in the Nandydrug Division.

3. To The Comptroller
Comptt. No. 10-D112-7-90
Notifies the above

J.V.R.

Bangalore

July 1890

Dear Sir Raunkiaer

I despatched an urgent telegram yesterday & I write to confirm it & to explain why I consider it necessary that the Govt should issue a notification the question was raised by an advocate whether in the absence of a notification the Chief Court has power to hear appeals from Munsiffs & Magistrates I thought lightly of it at first

but when I studied the Chief
Court Regulation of 1884,
& the amendment regulation
of 1890 I then arrived at
the conclusion that the above
view is mis-founded
The new regulation states
in the preamble that it is very
considered advisable to amend
the Chief Court Regulation of 1884
& accordingly that the four
sections contained in the new
regulation shall be substituted
for sections 72 - 76 of the old one.

In other words the first section of the old regulation have been repealed without a saving clause that the former rules & powers conferred under them shall be deemed to have been conferred under the new regulation when the old regulation came into force a notification was published that the Chief Court shall exercise original jurisdiction civil & criminal over the districts of Kolar Bangalore, Tumkur & Chitaldroog

42

dress of which the district of Chittagong was separately constituted in 1866 another notification was published transferring jurisdiction over it to the Sheriff. Under these notifications were published by virtue of the authority conferred by Secs. 12 & 13 above the Government Those sections being repealed it is manifest that the jurisdiction conferred thereunder has ceased to exist The new Regulation empowers the Government

V 13

to define the area over
which the Chief Court shall
exercise original jurisdiction
& the Court from which appeals
shall lie direct to us. So
far as I know there is no
necessity of establishing
a District Court this month
or the next. I think it would
be sufficient to satisfy us
under sections 12 & 14 of
this new regulation that the Chief
Court shall exercise original
jurisdiction over the districts

6

16

of Bayonne Castle and Tenure
& that appeals from the decrees
& orders of Courts of Mayors
should lie to the Chief Court.

13 Introduces
fresh matter which is no
the duty of the Government to
determine that Sicilian
Cases should in no way
that appeals from Judgments
& Sentences passed by a Judge
in the original side may be
heard by two Judges or by a Bench

this being a matter which the Government alone has to determine I need not say anything about it here.

Our Krishna Municipal Commissioner is writing to me that a notification is necessary under Section 12 (1) (a). I have not had an opportunity to discuss the question with Rao Saheb Lyer.

I have received the memorandum you have forwarded to me in regard

to the Companies for Schuylkill
Co., a difficult question and
beg you to allow me a week
to study it. With kind regards.

Yours
Very Sincerely
A. Mackenzie

Class. XP | INDIAN TELEGRAPH. | Monthly Log

To Mr. [illegible] | From Almoner

Station [illegible]

Words. 30 III | Day. 11 | SECTION | Minute. 17 | 55 | OFFICIAL INSTRUCTION. Urgent

To (Person) C.E.O. Mysore | From (Person) C.E.O. Chief Judge

SECTION | SERIAL

1 FILE No. ~~Section~~ 2 & P 1090

2 Republication of

3 old Regulation Powers

4 Confirmation of

5 old Regulation Code

6 Now fresh Notifications

7 Deem necessary under

8 sections 12 and 14, section

9 13 may be deferred.

10

11 ~~Your Telegram~~ Please send draft-

12 Notifications required under

13 new Regulations ~~Yours~~

RECD FROM | L. N. | At Hrs. Mts. By

SENT TO | L. N. | At 8 Hrs. 11 Mts. By [illegible]

Dated MYSORE 10-7-90 Postmaster.

No 2897
68

SECTION C & Bangalore 11th July 1890
FILE NO. 9-a-90
SERIAL NO. 2

From

A. Ramachandra Iyer Esq:
Offg Chief Judge
of Mysore

SECTION
FILE NO.
SERIAL NO. 6

To

T. R. A. Thumboo Chetty Esquire,
Offg Dewan of Mysore

Sir,

I have the honor to acknowledge the receipt of your telegram dated 10th instant. I have despatched a D. O. this morning, stating that Pandit Krishna Murti are of opinion that a notification is necessary under Regulation II of 1890 I have now consulted Mr. Meenakshaya and

he

he concurs in our opinion

I do not know whether it is the intention of the Government to withdraw the Original jurisdiction which the Chief Court has been exercising since the date of its establishment in 1884, or to enlarge its jurisdiction to hear and decide appeals under Clause 1 of Section 14 of the Amending Regulation. If no change is contemplated at present notifications in the subjoined form or to a similar effect may be published by the Government.

In exercise of the power conferred upon the Government of Mysore under Section 12 of the Mysore Chief Court

Regulation

Regulation I of 1884, amended by Regulation II of 1890, the Government confers upon the Chief Court the ordinary Original Civil Jurisdiction of a District Court in all suits and proceedings of a civil nature, and the ordinary Original Criminal Jurisdiction of a Sessions Court to be exercised over the Districts of Bauy alone, Kolar and Tumkur.

Under Section 14 of the said Regulation, the Government confers upon the Chief Court jurisdiction to hear and decide all such appeals as are allowed by law to a District Court or Court of Sessions from Judgments, Orders decrees, or sentences passed by any

Subordinate

Subordinate Court, Civil or Criminal in the Districts of Bangalore, Kolar and Tumkur"

The notification issued under the Regulation of 1884 is published in the gazette for 24th May 1884, page 162.

A notification has to be issued under section 13, after determining the question, whether appeals shall be heard by a Bench of two Judges or by the Full Bench. It seems to me that the provision that, if a difference of opinion arises between the two Judges composing a Bench hearing any appeal under this section, the decision shall follow the Original

Judgment

Judgment, decree or sentence, may be productive of hardship. If, for instance, the original Judge convicts a man of murder and if an appeal from the conviction is heard by the remaining two Judges alone, it is possible that both of them may agree in quashing the conviction, one on the ground that upon the facts the offence was culpable homicide not amounting to murder, and the other that there was no culpable homicide at all and that the man ought to be convicted of simple hurt, in this case, the conviction for murder will stand confirmed. If a Judge tries a Civil

Suit

suit and makes a decree in a plaintiff's favor upholding his adoption, and an appeal from the decree is heard by the remaining two Judges; it is not impossible that one of the two Judges may find the adoption not proved and may dismiss the suit on that ground alone. The other Judge may find the adoption good, but the claim is barred by limitation. The result is, that the original decree is confirmed, notwithstanding the fact that the two Judges agree in dismissing the suit, though on entirely different grounds. For these reasons, it seems to me advisable to continue

the

the present practice. I wish to add that this is my individual opinion and that I have not consulted my colleagues since the question is one for the determination of the Government and not of the Chief Court.

I have the honor to be,

Sir,

Your most obedient servant,

A Ramachandra Iyer

Offg Chief Judge.

Z.R.

Office of the Dewan of Mysore
Dated Mysore, 12th July 1890.

Camp No 10.

Appendix No. 17

(H) 9

FILE No. 9 a 90 Notification

SERIAL No. Under

SECTION

FILE No.

SERIAL No.

Under Section 12 of the Mysore Chief Court Regulation 1884, as amended by Regulation II of 1890, the Govt of Mysore hereby confers upon the Chief Court the ordinary original Civil jurisdiction of a District Court, as well as the ordinary original Criminal jurisdiction of a Sessions Court, and also declares and appoints that the Revenue Districts of Bangalore, Kolar and Tumkur shall constitute the local limits within which the Chief Court shall exercise both the jurisdictions aforementioned

12/7

2. Under Sec. 14 of the said Regulation, the Govt

of Mysore hereby confers upon the Chief Court, jurisdiction to hear and decide all such appeals as are allowed by law to a District Court or Court of Session, from judgments, orders, decrees or sentences passed by any subordinate Court, Civil or Criminal, within the local limits described in the preceding paragraph.

By order.

Chief Secy

To The Compiler, Mysore Gazette, for publication

Copy to the Offg. Chief Judge for information & guidance

Camp Dec 11. 1